

Amendments to the Drawings:

The attached 4 sheets of drawings are provided to replace Figs. 1-2. In the replacements, former FIGs. 1 and 2 have been relabeled as FIGs. 1A and 2A, respectively. Additionally, new FIGs. 1B and 2B are provided. The data depicted in FIGs. 1B and 2B reflect matter present in the original application as filed. (See, e.g., claims 4-8 and 12-14 and page 4, lines 1-19.

Remarks/Arguments:

I. Status

The Office Action dated September 8, 2005 (the "Office Action"), has been carefully reviewed. Four replacement sheets replacing two figures and providing two new figures have been provided. Claims 1-14 are pending in this application. Reconsideration of this application is respectfully requested.

II. New Drawings

In the Office Action, the Examiner requested additional drawings showing the elements recited in originally filed claims 4-8 and 12-14. New figures 1B and 2B, which are supported in the specification at page 4, lines 1-19, show elements in claims 4-8 and 12-14. Accordingly, it is respectfully submitted that the objection to the drawings has been overcome.

III. 35 U.S.C. § 103 Rejections.

A. Claims 1-4, 7 and 9-12

Claims 1-4, 7 and 9-12 were rejected under 35 U.S.C. § 103 as being unpatentable over U.S. Patent No. 6,601, 764 B1 to Goodwin, III (hereinafter "Goodwin") in view of U.S. Patent No. 6,046,682 of Zimmerman et al. (hereinafter "Zimmerman").

Reconsideration of these claims in view of the following remarks is respectfully requested.

Discussion Re: Patentability of Claim 1

1. Claim 1

Claim 1 recites:

A radio frequency identification system comprising:
a plurality of transmitters for interrogating radio frequency identification tags attached to items on store shelves;
a plurality of receivers for receiving response information from the radio frequency identification tags, wherein the receivers are separately located from the transmitters; and
a computer for controlling the transmitters and receivers .

Claim 1 thus recites a system wherein a plurality of transmitters are operable to activate a plurality of RFID tags on items and a plurality of receivers are separately located from the transmitters to receive signals transmitted from the RFID tags in response to the transmitted signals from the transmitters.

2. Zimmerman Does Not Disclose Separately Located RFID Transmitters

The Examiner stated that Goodwin does not disclose the separately located receivers as recited in claim 1. (Office Action at page 4). The Examiner relied upon Zimmerman for showing this element. Respectfully, Zimmerman does not disclose transmitters for activating RFID tags that are separately located from receivers for receiving transmissions from the RFID tags.

Specifically, the Examiner has identified the transmit antenna 37 associated with the CBS 16 and the multiple receive antennas 38 as disclosing this element. (Office Action at page 4). The transmit antenna 37 and the multiple receive antennas 38, however, are provide “for transmitting and receiving messages between CBS 16 and EPLs 18.” (Zimmerman at column 3, lines 13-15). As Zimmerman explains at column 1, lines 19-20, an “EPL” is “an electronic price label. These labels “are typically attached to a rail along the leading edge of the shelves” and display the price of nearby

items. (Zimmerman at column 1, lines 24-27). The ESLs are thus for the *visual* display of information such as price and are mounted on the shelves of the store. (See, e.g., Zimmerman at column 3, lines 32-34 identifying the EPL display as preferably being a liquid crystal diode (LCD)). Therefore, the transmit antenna 37 and the multiple receive antennas 38 are provided for communications between the CBS 16 and *shelf labels*.

Shelf labels are not the same as RFID tags which are attached to the actual goods. For example, a store could have a single shelf label displaying the price for stereo receivers. Each of the stereo receivers would have its own RFID tag which provides identification of the specific stereo. Thus, EPLs are a part of the infrastructure of the store itself. The RFID tags, however, are associated with the goods being sold, and may be attached to the goods prior to delivery to the store and may remain on the goods after the goods are removed from the store.

Therefore, because the Examiner has not identified separately located transmitters and receivers that work with RFID *tags* in the system of Zimmerman, the proposed combination does not arrive at the invention recited in claim 1. Accordingly, under MPEP § 2143.03, claim 1 is patentable over the prior art.

3. There is No Motivation for the Proposed Combination

Moreover, the Examiner has proposed that the motivation for combining Goodwin and Zimmerman is to strengthen the measurement of the ESLs. (Office Action at page 4). Of course, claim 1 is directed to transmitting to and receiving from RFID tags, not ESLs. As explained above RFID tags are not the same as ESLs. Accordingly, a desire to strengthen a communications link between the host system and the shelf labels is not relevant to the communications link(s) between the host system and the RFID tags.

This is clearly shown in Goodwin at FIG. 1. FIG. 1 shows a two-way communications link (a first link) between the server 12 and the ESL system 14 which controls the data visually displayed by the ESL 32. (Goodwin at FIG. 1, column 1, lines 10-13 and column 2, lines 48-50). This is the same type of link that is disclosed in Zimmerman at FIGs. 1 and 2 and discussed at column 3, lines 13-19. Goodwin, however, further discloses a link (a second link) between the ESL 32 and an RFID tag (identified as RFID labels in Goodwin). (See, e.g., Goodwin at FIG. 1 and column 3, lines 1-8). Thus, because the Examiner has proposed strengthening the *first* link, and the claim is directed to the *second* link, motivation has not been properly alleged.¹

Therefore, it is respectfully submitted that there is no motivation for the proposed combination. Accordingly, since the Examiner has acknowledged that Goodwin does not disclose each element of claim 1, claim 1 is patentable over the prior art.

4. Conclusion

For any or all of the foregoing reasons, it is respectfully submitted that the rejection of claim 1 as being obvious over Goodwin in view of Zimmerman has been successfully traversed, and the Applicants respectfully submit that the rejection of claim 1 under 35 U.S.C. § 103 should be withdrawn.

Discussion Re: Patentability of Claims 2 -4 and 7

Claims 2-4 and 7 depend from claim 1 and include the limitations discussed above with respect to claim 1 and additional limitations. Accordingly, for at least the

¹ The proposed motivation cannot apply to the second link since in Goodwin, the *transmitters* for transmitting to the RFID tags are “coupled” to the ESLs. (Goodwin at column 3, lines 1-8).

same reasons set forth above with respect to claim 1, claims 2-4 and 7 are patentable over the prior art.

Discussion Re: Patentability of Claims 9-12

Claims 9 and 12 are independent claims. Claims 9 and 12 include limitations directed to a method or system for communicating with RFID tags using a transmitter and separately located receiver. Claims 10-11 depend from claim 9 and include the same limitations as claim 9 and additional limitations. Accordingly, for at least the same reasons as set forth above with respect to claim 1, claims 9-12 are patentable over the prior art.

B. Claims 5-6, 8 and 13-14

Claims 5-6, 8 and 13-14 were rejected under 35 U.S.C. § 103 as being unpatentable over Goodwin and Zimmerman in further view of U.S. Patent No. 6,419,154 of Dalton et al. (hereinafter "Dalton"). Reconsideration of these claims in view of the following remarks is respectfully requested.

1. Claims 5 and 6

Claims 5 and 6 depend from claim 1 and include all of the limitations of claim 1 and additional limitations. As discussed above, Goodwin and Zimmerman fail to disclose all of the elements of claim 1. Moreover, Dalton is also directed to communications within an electronic label system. (Dalton at Abstract). Accordingly, Dalton does not correct the deficiencies in the cited art with respect to claim 1. Therefore, claims 5 and 6 are allowable for at least the same reasons discussed above with respect to claim 1.

2. Claims 8, 13 and 14

Claims 8, 13 and 14 are independent claims. Claims 8, 13 and 14 include limitations directed to a method or system for communicating with RFID tags using a transmitter and separately located receiver. Accordingly, for at least the same reasons as set forth above with respect to claim 1, claims 8, 13 and 14 are patentable over the prior art.

3. Conclusion

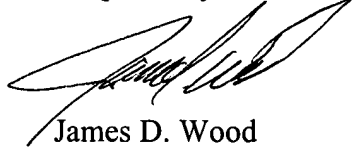
For at least the reasons set forth above, claims 5-6, 8 and 13-14 are patentable over the prior art.

IV. Conclusion

Applicant respectfully requests entry of the amendments and favorable consideration of the application.

A prompt and favorable action on the merits is requested.

Respectfully Submitted,



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